

REMARKS

This is a full and timely response to the outstanding non-final Office action of March 31, 2005 (Paper No. 20050111). The remaining claims are pending in the present Application. Applicant is merely clarifying the claims at this point. Applicant respectfully traverses all of the rejections of the Office Action. Reconsideration and allowance of the Application and presently pending claims are respectfully requested. Applicant should not be presumed to agree with any statements made by the Examiner in the Office Action unless otherwise specifically indicated by Applicant.

I. Interview Summary

Applicant first wishes to express our sincere appreciation for the time that Examiner Jeffrey Sharp spent with Applicant's attorney, Minh Nguyen, during a telephone discussion on May 19, 2005 regarding the outstanding non-final Office Action. The discussion involved claim 1 of the application, particularly the feature of the beginning of the thread being fully formed. Fig. 2 of the application was discussed to illustrate an exemplary embodiment of the beginning of the thread being fully formed as recited in claim 1. The discussion also involved *Rockenfeller* '720 patent. Applicant's attorney pointed out that the cited art does not disclose, teach or suggest the limitation of the beginning of the thread being fully formed. However, the Examiner indicated that the limitation could be better clarified by including "the beginning of the thread having the same outer diameter as the thread in the mid-section of the thread section." During that conversation, the Examiner seemed to indicate that the presently pending claims are in favorable condition for allowance with regard to the art of record. The Examiner further requested any data related to commercial success as persuasive evidence of novelty. Thus, Applicant respectfully requests that the Examiner carefully consider this response.

II. Election/Restriction

Applicant expresses appreciation to the Examiner for acknowledgement of the election filed on February 24, 2005. We hereby withdraw claims 27-30.

III. Specification

The Specification and Abstract have been amended and respectfully request that the objection be withdrawn.

IV. Claim Objections

Claim 4 has been amended to include a "drive catalyst." Claim 5 has been amended from 0.111-118 inches to 0.111-0.118 inches. Claim 22 has also been amended to reflect Examiner's request.

V. Claim Rejections Under 35 U.S.C. §103

Claims 1-26 stand rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 4,572,720 to *Rockefeller* in view of U.S. Patent No. 6,302,631 to *Takasaki* and U.S. Patent No. 5,149,237 to *Gabriel, et al.*

In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the prior art reference must suggest all features of the claimed invention to one of ordinary skill in the art. *See, e.g., In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

A. Claim 1

Claim 1, as amended, recites:

A screw that can be driven into a workpiece using a nail-gun-like device such that a head of the screw is embedded into the workpiece, the screw comprising:
a point section that has a point shaped in a four-sided pyramid with a tip angle of approximately 35-37°;
a thread section being coupled to the point section, the thread section having threads along the thread section, the beginning of the thread being abutted at the base of the point section, ***the beginning of the thread having the same outer diameter as the thread in the mid-section of the thread section, the thread having a thread angle of approximately 60-63°***; and
a head section being coupled to the thread section, the head section having a frustoconical head, the head having at least one nib on the side of the head, wherein the frustoconical head and the at least one nib on the side of the

head enable the screw to withstand the operating pressure of the nail-gun-like device.

(Emphasis Added)

Applicant respectfully submits that claim 1 has been amended to clarify its elements. In addition, Applicant respectfully submits that the cited art fails to teach, disclose or suggest the features of “the beginning of the thread having the same outer diameter as the thread in the mid-section of the thread section, the thread having a thread angle of approximately 60-63°.” In fact, as mentioned on page 3 of the Application, paragraph 19, which is recited as follows:

With further reference to Fig. 1, the thread section 4 includes threads 14 along the thread section 4 in which the beginning of the first thread 15 is fully formed adjacent to the point section 2. The thread includes a thread angle ϕ of approximately 60-63° and a pitch of approximately 0.111-0.118 inches. The thread angle ϕ and the pitch enable the screw 1 to be driven into the workpiece using the nail gun without damaging the thread of the screw. In addition, the thread angle ϕ of the thread enables the screw 1 to be easily driven into the workpiece using the nail gun and to require extra force for withdrawing the screw from the workpiece.

As mentioned during the Examiner Interview, *Rockenfeller* in view of *Takasaki* and *Gabriel* fails to disclose, teach, or suggest the above-emphasized features of claims 1 and 14. Thus, Applicant respectfully submits that the combination of *Rockenfeller*, *Takasaki* and *Gabriel* also fails to disclose, teach, or suggest each and every element of claim 1. Thus, a *prima facie* case of obviousness is not established based on *Rockenfeller*, *Takasaki* and *Gabriel*. Consequently, for at least this reason, among others, Applicant respectfully requests that claim 1 be allowed and the rejection be withdrawn.

B. Claims 8 and 17

8. A screw comprising:
 - a point section;
 - a thread section coupled to the point section, the thread section having threads along the thread section, *the beginning of the thread having the same outer diameter as the thread in the mid-section of the thread section;*

a head section coupled to the thread section, the head section having a frustoconical head, the head having at least one nib on the side of the head.

(Emphasis Added)

17. A screw that can be driven into a workpiece using a nail-gun-like device such that a head of the screw is embedded into the workpiece, the screw comprising:

a point section having a point with a tip angle of approximately 35-37°;

a thread section coupled to the point section, the thread section having threads along the thread section, *the beginning of the thread having the same outer diameter as the thread in the mid-section of the thread section, the thread section having threads with a thread angle of approximately 60-63°*; and

a head section coupled to the thread section, the head section being capable of withstanding the operating pressure of a the nail-gun-like device.

(Emphasis Added)

As mentioned above, Applicant respectfully submits that the cited art fails to teach, disclose or suggest the above-emphasized features of claims 8 and 17. Applicant respectfully request that claims 8 and 17 be allowed and the rejection be withdrawn.

C. Claims 2-7, 9-16, 18, and 21-26

Because independent claims 1, 8, and 17 are allowable over the cited art of record, dependent claims 2-7, 9-16, 18, and 21-26 are allowable as a matter of law for at least the reason that dependent claims 2-7, 9-16, 18, and 21-26 contain all features and elements of their respective independent base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Applicant respectfully requests that the rejection to dependent claims 2-7, 9-16, 18, and 21-26 be withdrawn for at least this reason, among others.

IV. Commercial Success

Approximately over 30,000 cartons of the invention have been sold over the past twelve (12) months resulting in sales exceeding \$350,000. This is impressive considering the numerous types of screws available in the market. Applicant expects more cartons to be sold due to the

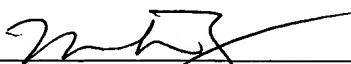
advantages of the invention, particularly enabling the user to quickly drive the inventive screws into a workpiece without damaging the screws or the workpiece.



CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all rejections have been traversed and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present Application and pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to contact the undersigned agent at (770) 933-9500.

Respectfully submitted,



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